



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

purpose of the charity named, but testatrix in a later portion of her will indicated a preference as to the management. This was however held to be a "continuance of her expressed intention as to how her intended charity was to be carried out" and of a binding character. This decision, while harmonious with testatrix's scheme, nevertheless apparently infringes on the former Pennsylvania decisions, for testatrix employed words of direct disposition of the estate, and used the expression "appoint or wish" in regard to the plan of the charity, whereas her selection of the committee was indicated by the word "wish" standing alone. From this it might be well argued that the difference in expression indicates in the latter case a simple preference instead of a positive direction as in the former clause.

WILLS—WITNESSES—DISQUALIFYING INTEREST.—In the case directly above, the court after deciding that testatrix's appointment of an executive committee was binding, *held*, that it imposed duties of such a material character as to constitute an interest in the will and disqualified the witness under the statute requiring disinterested attesting witnesses. *In re Stinson's Estate, Appeal of Sower et al.* (Pa. 1911) 81 Atl. 207.

This is noteworthy in that it extends the interest which will disqualify an attesting witness beyond what has hitherto been the Pennsylvania rule. By the decision in *Kessler's Estate*, 221 Pa. 314, 70 Atl. 770, 128 Am. St. Rep. 741, the interest should "exist at the time of the execution of the will, either by the terms of the will itself, or by reason of the attesting witness being then interested in the religious or charitable institutions for which provision is made." That is, an interest "as legatee or devisee" or a "pecuniary benefit or advantage" or else an interest "at the time of attestation in religious or charitable institution to be benefited thereby." But the court in the principal case says it would strike down the act to allow its application only when the charity is in existence at the time of attestation. It should make no difference whether the charity is to come into being in the future or not. The interest is not rendered "uncertain, remote or contingent" by reason of any such fact. This would seem sound for the act was intended to compel attestation by disinterested witnesses and a witness might be interested in a future charity as well as in one already in existence although STEWART, J. dissenting, argues in a forceful style that this places a construction upon the act that is impracticable and that allows a "mere possibility" to defeat testator's object.